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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DAVID BAIN, ALAINA BAIN, and
DAYNA BAIN, individuals,

Case No.: 15-cv-3305-EMC

Plaintiff,

V.

UNITED HEALTHCARE INC., et al.,

Defendants.

**JOINT STIPULATION TO
AMEND COMPLAINT AND
FOR DISMISSAL OF
DEFENDANT UNITED
HEALTHCARE INC. WITHOUT
PREJUDICE, and
[proposed] ORDER**

1 Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure all
2 parties hereby stipulate

3 (1) to the filing of Plaintiffs' Amended Complaint, attached as
4 Exhibit A hereto and filed herewith, to name OXFORD HEALTH
5 INSURANCE, INC. and UNITED BEHAVIORAL HEALTH as defendants;

6 (2) to the dismissal *without prejudice* of original Defendant UNITED
7 HEALTHCARE INC.;

8 (3) that Defendants waive notice and service of the amended
9 complaint;

10 (4) no current outstanding discovery or discovery disputes will be
11 affected by the foregoing amendment and dismissal; and

12 (5) that the Answer(s) of newly named Defendants OXFORD
13 HEALTH INSURANCE and UNITED BEHAVIORAL HEALTH shall be
14 due within 20 calendar days following the date of filing hereof.

15
16 Dated: March 22, 2017

/s/ Joseph A. Creitz

17 Joseph A. Creitz,
18 CREITZ & SEREBIN LLP

19 /s/ Nicholas A. Carlin

20 Nicholas A. Carlin,
21 PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP

22 Counsel for Plaintiffs

23
24 Dated: March 22, 2017

/s/ Timonthy J. Nally

25 Timothy J. Nally
26 LEWIS BRISBOIS BISGAARD & SMITH, LLP
27 Counsel for Defendant United

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing
of this document has been obtained from each of the other signatories.

Dated: March 22, 2017

/s/ Joseph A. Creitz

Attorney for Plaintiff

1 [proposed] ORDER PURSUANT TO STIPULATION
2

3 Pursuant to the stipulation of the parties, and good cause appearing,
the court hereby orders as follows:

4 (1) Plaintiffs' Amended Complaint, attached as Exhibit A to said
5 stipulation shall be deemed filed as of the date upon which it was
6 electronically filed;

7 (2) Defendant UNITED HEALTHCARE INC. is hereby dismissed
8 *without prejudice*;

9 (3) Defendants waive notice and service of the amended complaint;

10 (4) Any current outstanding discovery or discovery disputes will be
11 unaffected by the foregoing; and

12 (5) The Answer(s) of newly named Defendants OXFORD HEALTH
13 INSURANCE and UNITED BEHAVIORAL HEALTH shall be due within
14 20 calendar days following the date of filing of the aforementioned
15 stipulation.

16
17 IT IS SO ORDERED.

18 Dated: 3/23/17

